



# Nevada Synar Report 2005

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# Nevada Synar Report 2005

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## **Introduction**

This report is prepared in response to the Synar requirements in the Substance Abuse Prevention and Treatment (SAPT) Block Grant, Goal 8. The SAPT Block Grant is administered by the U.S. Department of Health and Human Services, Substance Abuse and Mental Health Services Administration (SAMHSA). The Synar requirements are enforced by SAMHSA's Center for Substance Abuse Prevention (CSAP).

This report presents information on activities conducted in FFY 2004 for the 2005 SAPT Block Grant Application. It is organized by questions contained in the Synar reporting instructions and is presented in the same order as the questions appear in the instructions. Following each question is a response to the individual items contained in the question. In some instances, additional information is provided outside the scope of the specific questions found in the SAPT Block Grant Application.

SAPT Block Grant funds are contingent upon the presence of state laws that forbid any manufacturer, retailer, or distributor of tobacco products to sell tobacco products to any minor child under the age of eighteen. Also, these laws must be enforced in such a manner as to reasonably be expected to reduce the extent that tobacco products are available to minors. Synar requirements call for the state to conduct inspections of retail tobacco outlets to determine if youth under the age of 18 are able to purchase tobacco products. Nevada is required to maintain a buy rate of 20% or less with a confidence interval of  $\pm 3$  percentage points. For FFY 2004, the final non-compliance rate presented in the report is 15.3% which is less than the target value of 20.00%. This is an increase of 34.2% from the 2003 noncompliance rate of 11.4%, and a reduction of 16.4% from the 2002 noncompliance rate of 18.3%.

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## SECTION I: FFY 2004 (Compliance Progress)

### YOUTH ACCESS LAWS, ACTIVITIES, AND ENFORCEMENT

**42 U.S.C. 300x-26 the States to report information regarding the sale/distribution of tobacco products to individuals under age 18.**

- 1. Please indicate any changes or additions to the State tobacco statute(s) relating to youth access since the last reporting year. Please attach a photocopy of the change(s) in the State law(s) if any was made since the last reporting year. (See 42 U.S.C. 300x-26)**

- a. Has there been a change in the *minimum sale age* for tobacco products?**

☐ Yes ☒ No

*If Yes, current minimum age:* ☐ 19 ☐ 20 ☐ 21

- b. Have there been any changes in State law that impact the State's *protocol for conducting Synar inspections*?:** ☐ Yes ☒ No

*If Yes, indicate change (check all that apply):*

☐ Changed to require that law enforcement conduct inspections of tobacco outlets

☐ Changed to make it illegal for youth to possess, purchase or receive tobacco

☐ Changed to require ID to purchase tobacco

☐ Other change(s) (please describe): \_\_\_\_\_

- c. Have there been any changes in the law concerning *vending machines*?**

☐ Yes ☒ No

*If Yes, indicate change (check all that apply):*

☐ Total ban enacted

☐ Banned from location(s) accessible to youth

☐ Locking device or supervision required

☐ Other change(s) (please describe): \_\_\_\_\_

- d. Have there been any changes in State law that impact the following?**

Licensing of tobacco vendors ☐ Yes ☒ No

Penalties for sale to minors ☐ Yes ☒ No

- 2. Describe how the Annual Synar Report (see 45 C.F.R. 96.130(e)) and the State Plan (see 42 U.S.C. 300x-51) were made public within the State. (Check all that apply)**

☐ Placed on file for public review

☒ Posted on a State agency Web site

☒ Notice published in a newspaper or newsletter

☒ Public hearing

☐ Announced in a news release, a press conference, or discussed in a media interview

☒ Distributed for review as part of the SAPT Block Grant application process

- ☐ Distributed through the public library system
- ☐ Published in an annual register
- ☒ Other method(s) (*please describe*): The annual report was presented in a hearing on September 22, 2004. Advanced notice of this hearing was placed in various newspapers around the state and notice of the hearing was placed in four public places as per the Nevada Administrative Procedures Act. The report was sent to members of the Bureau of Alcohol and Drug Abuse Advisory Committee in advance of the September 22, 2004 meeting and was placed on the Bureau's Web site: <http://health2k.state.nv.us/BADA/>. Finally, notice was sent to all members of the State Incentive Grant (SIG) Advisory Committee and all substance abuse treatment and prevention programs funded by the Bureau of Alcohol and Drug Abuse.

**3. Identify the following agency or agencies.** (*See 42 U.S.C. 300x-26 and 45 C.F.R. 96.130*)

- a. The State agency(s) designated by the Governor for oversight of the Synar requirements:** The Nevada Department of Human Resources, State Health Division, Bureau of Alcohol and Drug Abuse (BADA).  
Has this changed since last year's Annual Synar Report? ☐ Yes ☒ No
- b. The State agency(s) responsible for conducting random, unannounced Synar inspections:** The Office of the Attorney General, Nevada Department of Justice is responsible for conducting random unannounced inspections pursuant to Nevada Revised Statute (NRS) 202.2496.  
Has this changed since last year's Annual Synar Report? ☐ Yes ☒ No
- c. The State agency(s) responsible for enforcing youth tobacco access laws:** The Office of the Attorney General, Nevada Department of Justice is responsible for the enforcement of state tobacco laws governing the sale of tobacco to minors. Staff assigned to these enforcement activities include the Tobacco Chief Counsel (one-half time), two investigators (each full time), one management assistant, and eight youths (each part time). The Attorney General's Office conducts uniform compliance checks at all tobacco outlets across the State. This uniformity assures that all businesses are treated in an equitable manner and ensures program benefits are received throughout the State. This practice also assures that no outlet or group of outlets perceives they are being targeted. Local law enforcement agencies have concurrent authority over the sale of tobacco to minors, although they do not carry out unannounced compliance checks to enforce youth access laws to tobacco products.  
Has this changed since last year's Annual Synar Report? ☐ Yes ☒ No

**4. Identify the State agency(s) responsible for tobacco prevention and control activities.**

BADA is responsible for the implementation of the Synar prevention and control regulations in partnership with the Office of the Attorney General, Nevada Department of Justice. Additionally, collaborative arrangements exist with other public programs related to tobacco prevention which are described under section a. of this question on the next page.



Has the responsible agency changed since last year's Annual Synar Report?

☐ Yes ☒ No

**a. Describe the coordination and collaboration that occur between the agency responsible for tobacco control and the agency responsible for oversight of the Synar requirements. The two agencies (check all that apply):**

☐ Are the same

☐ Have a formal written memorandum of agreement

☐ Have an informal partnership

☒ Conduct joint planning activities

☒ Combine resources

☒ Have other collaborative arrangements(s) (*please describe*): In addition to having a Interlocal Agreement with the Office of the Attorney General, Nevada Department of Justice who actually manages and completes the Synar inspections, Bureau of Alcohol and Drug Abuse (BADA) is the Single State Agency for the SAPT Block Grant. Consequently, there is significant coordination and collaboration between the Bureau and the primary prevention programs funded by the Bureau. Additionally, BADA works closely with the Center for Disease Control and Prevention (CDC) funded Tobacco Control Project which like BADA is also housed in the Nevada State Health Division. The goals of the Tobacco Control Project are to: prevent the initiation of tobacco use among young people; promote quitting among young people and adults; eliminate nonsmokers' exposure to environmental tobacco smoke; and to identify and eliminate the disparities related to tobacco use and its effects among different population groups.

BADA is also a member of the Nevada Tobacco Prevention Coalition (NTPC) having joined the coalition in 2001. NTPC is a coalition of agencies and individuals determined to fight the high prevalence of tobacco use in Nevada. NTPC is committed to informing Nevada's decision makers and raising awareness with Nevada citizens on numerous issues of tobacco use and industry marketing. This coalition is also actively involved in coordinating prevention activities with state and community agencies, hospitals, schools, and community-based organizations. They believe that a focus on youth and a tobacco free environment will produce a healthier Nevada.

Four major programs were established by the State of Nevada with the tobacco settlement money. First, the Millennium Scholarship provides tuition assistance to Nevada youth who maintain a slightly better than "B" average throughout high school. Second, the prescription insurance plan subsidizes prescription costs of senior citizens living below a certain income level. Third, 10% of the tobacco settlement money is allocated to a public health trust fund to promote public health and programs for disease or illness prevention, research issues related to public health, and provide direct health care services to children and senior citizens. Fourth, the *Task Force for The Fund for a Healthy Nevada* was established to: solicit public input; establish a process to evaluate health needs; ensure that tobacco cessation programs are funded; ensure that programs for children, people with disability, and senior citizens are funded; ensure that tobacco settlement money is not used to supplant existing methods of funding; and to develop policies for distribution of grants.

BADA received funds through *The Fund for a Healthy Nevada* to implement environmental approaches to tobacco prevention that local coalitions can adapt to meet the needs of their specific communities. The goal of this project is to impact policies, community norms, and media advertising of tobacco in order to prevent youth access and exposure to tobacco. This program encompasses all northern and rural/frontier Nevada communities. The coalitions work with local youth groups to plan, organize, monitor, and evaluate prevention approaches implemented in the community. Through these funds, eight rural coalitions collectively received \$400,000 of tobacco settlement money (for SFY2003 & 2004; \$200,000 / year) to develop environmental prevention strategies addressing tobacco usage. Eleven treatment providers were also collectively awarded \$4,397,486 (directly from the fund) for cessation programs to be expended over a four-year period (for SFY 2001 through SFY 2004). BADA did not reapply for coalition funding, nor were the eleven providers funded for SFY 2005 and 2006 through the Fund for a Healthy Nevada. In SFY 2004, the following seven coalitions received a total of \$245,052 from The Fund for a Healthy Nevada: Churchill Community Coalition, Community Council on Youth, Healthy Communities, Nye Communities, Partnership of Community Resources, Partners Allied for Community Excellence (PACE), and The Frontier Coalition.

The State of Nevada was awarded a State Incentive Grant providing \$3,000,000 per year for FFY 2003 through FFY 2005. Nevada is using this grant to facilitate the development of 14 local coalitions in 11 geographic areas and three special populations (Latino in Northern Nevada, Latino in Southern Nevada and Statewide Native American). These coalitions will serve as regional prevention centers to develop and implement local comprehensive community prevention plans, and to identify and fund evidence-based programs that will fill service gaps without duplicating existing services.

**5. Please answer the following questions regarding the State's activities to enforce the youth access to tobacco law(s) in FFY 2004. (See 42 U.S.C. 300x-26 and 45 C.F.R 96.130(e))**

**a. Which one of the following describes the enforcement of youth access to tobacco laws carried out in your State? (Check one category only)**

- ☐ Enforcement is conducted exclusively by local law enforcement agencies.
- ☒ Enforcement is conducted exclusively by State agency(s).
- ☐ Enforcement is conducted by both local and State agencies.

**b. The following items concern penalties imposed for violations of youth access to tobacco laws by LOCAL AND/OR STATE LAW ENFORCEMENT AGENCIES. Please fill in the number requested or indicate if these data are unavailable or the item is not applicable.**

The Attorney General's Office conducted 3,318 compliance checks in addition to the 451 Synar compliance checks, for a total of 3,769 inspections between 10/1/03 and 6/15/04. These 3,769 inspections resulted in 451 illegal sales, representing an *overall buy rate*<sup>1</sup> of

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<sup>1</sup> Three possible reasons that the overall buy rate is lower than the Synar buy rate are: a) reduced program visibility caused by the temporary absence of an inspector in the Las Vegas area; b) Synar inspection data is generated from the first round of inspections, but the overall buy rate includes subsequent rounds which often have lower buy rates; c) one very mature looking 17 year old inspector, who made many successful purchases, was retired midway through the year when she turned 18.

roughly 12.0% for all Synar checks made between 10/1/03 and 6/15/04. Of the 451 illegal sales, there were 324 citations issued and 127 warnings given. All citations were issued to the person who made the sale of tobacco to the under age youth, and are all misdemeanor criminal charges. Of the 451 illegal sales; 348 clerks asked for identification only, 2 requested age but no identification, 4 asked for identification and also asked the youth their age, and 97 requested neither.

Annualizing data from 10/1/03 to 6/15/04, it is projected that the Attorney General's Office will conduct about 6,000 compliance checks by the end of FFY 2004. This represents an increase of 34% over FFY 2002 and a 23% increase over FFY 2003. The Attorney General's office has been conducting compliance inspections twice per year at every retail outlet in the Synar database and is now attempting to visit each facility three times per year. Out of these 6,000 compliance inspections to be completed in FFY 2004, it is estimated that there will be a total of 670 illegal sales, resulting in 510 citations and 160 warnings.

The Attorney General's Office receives disposition results on a voluntary basis. Therefore, dispositions are not available for all citations issued. The following table details the disposition results for 161 citations. Between 10/1/03 and 6/15/04 there were a total of 324 citations issued, so the citations shown in the table represent approximately 50% of total citations issued.

PENALTY	NOT APPLICABLE	NOT AVAILABLE	TOTAL	OWNERS	CLERKS
Number of citations issued			161		161
Number of fines assessed		<input type="checkbox"/>	82		82
Number of permits/licenses suspended	<input checked="" type="checkbox"/>				
Number of permits/licenses revoked	<input checked="" type="checkbox"/>				
<i>Other</i> (please describe): Dismissed by court <sup>2</sup>			45		45
Dismissed if attend the WE CARD Internet Class			19		19
Sentence Suspended			5		5
Suspend sentencing if attend the WE CARD Internet Class			4		4
Warrant Issued			4		4
Jail Time / Community Service			2		2

<sup>2</sup> Dismissals only occurred after defendants obeyed all related laws for a reasonable period of time (typically 60 to 180 days). These dispositions were not simply dismissed as of being heard in court.

**c. What additional activities are conducted in your State to support enforcement and compliance with State tobacco access law(s)? (Check all that apply)**

- ☒ Merchant education and/or training
- ☒ Incentives for merchants who are in compliance (e.g. Reward and Reminder)
- ☒ Community education regarding youth access laws
- ☒ Media use to publicize compliance inspection results
- ☒ Community mobilization to increase support for retailer compliance with youth access laws

☐ Other change(s) (please describe): \_\_\_\_\_

*Briefly describe all checked activities:*

**Merchant Education**

Nevada statute requires that a written report of each compliance check be mailed to every outlet after the check is completed. In addition, the cover letter that accompanies every report encourages on-going training and includes the toll free telephone number for the WE CARD program. The merchant education flyer sent to every retailer with the notice of compliance check changes with every round of inspections. The flyer encourages only one merchant education activity at a time. For example, the first flyer sent during FFY 2004 gave tips on what to look for when checking a photo ID. The second flyer encouraged stores to give a financial or other incentive to store associates who passed enforcement compliance checks.

After sending the WE CARD flyers encouraging incentives for state associates who passed compliance checks, the Attorney General's office sent a complete history of all compliance checks conducted at each outlet to the store owners. This was done in place of sending a merchant education flyer.

In October 2003, a letter was sent to every location where a cigarette vending machine had been observed. This letter included a copy of the new law banning cigarette vending machines, except in bars and gaming areas, and it encouraged voluntary compliance.

John Albrecht and Scott Neal, co-authored an article for the 7-Eleven Franchisee monthly magazine, "Avanti." This article summarized the Synar compliance check program and encouraged readers to work with state enforcement officials to reduce the sale of tobacco to minors. In January 2004, a similar article was sent to all local chambers of commerce in Nevada encouraging them to publish the article. A similar article was published in the Walgreen's national newsletter and distributed to all Walgreens stores in the nation.

The Retail Association of Nevada publishes a monthly newsletter. Most months, there is an article about the tobacco compliance check program. These articles generally include monthly statistics on the number of purchase attempts made and the violation rate.

State Attorneys General have signed documents titled, "Assurance of Voluntary Compliance" (AVC) with several major retail chains. Under those agreements, franchisees are supposed to report if they fail a tobacco compliance check to the corporate office. The Nevada Attorney General reports violations to the corporate offices of all of those corporations that signed AVCs so the corporation may take action if the franchisee failed to report.

Peter Krueger, the State Executive for the Nevada Petroleum Marketers and Convenience Store Association did a one day ride along to see first hand how we do the compliance checks. Afterward, he wrote an article for the trade publication of the Western States Petroleum Marketers describing his experience and how the Nevada compliance check program is conducted.

Every month an e-mail is sent to about 50 retail representatives in Nevada. This email states the number of enforcement compliance checks conducted in the previous month along with the number of illegal sales, citations, and warnings issued. People receiving the email are encouraged to forward it to stores and market representatives and to talk with store staff in Nevada regarding the compliance check program.

A total of 470 Nevada stores were identified as passing every enforcement compliance check since January 2001. A one page survey was sent to those stores asking what store practices they follow. The results of that survey will be used to strengthen merchant education activities.

Since October 2002, the Attorney General has offered corporations owning multiple outlets the opportunity to receive a copy of the compliance check results by FAX rather than through the mail. This program has been very popular and has been extended to all stores. About 40% of Nevada stores now receive the results of compliance checks by FAX rather than mail, speeding up notification to those store owners of the results of compliance checks. By receiving FAX notification, some businesses know the results of the compliance check within one to two business days after the check, and most all within five days. In contrast, the mailed notice takes up to three additional days.

John Albrecht, Chief Tobacco Counsel, is a participant in the Responsible Retailing Forum sponsored by Brandeis University. Albrecht was a presenter and participant in the three day Responsible Retailing Forum held in Las Vegas in March, 2004.

### **Merchant Incentives**

The Attorney General's Office sends out congratulatory letters to all outlets that do not sell to minors during Synar checks. Additionally, they provide Phillip Morris with a monthly report of stores that had clerks cited for illegal tobacco sales. Those reports are used by Phillip Morris to withhold retail leader benefits from individual stores for a designated month in the future. The withheld benefits may total up to \$2,000 per month, indirectly resulting in a fine on the store owner and providing incentive for proper training of sales clerks.

### **Community Education**

The Attorney General's Office mailed a four-page letter to every county sheriff and city police chief in the state. The letter described the requirements of the Synar amendment and how compliance checks are conducted. It included the names, addresses and telephone numbers of both tobacco investigators and offered the assistance of the Attorney General's Office to local law enforcement agencies. Additionally, the Attorney General offered to allow the local law enforcement agency to use the Attorney General's database of tobacco outlets.

## **Media Use**

A press release was issued on July 2, 2004 after the 2003 Nevada Youth Risk Behavior Survey results were issued by the US Centers for Disease Control. The new survey showed positive trends in the reduction of youth smoking. This was used as an opportunity to provide the community education on the tobacco compliance check program.

The Nevada Attorney General is responsible for activities under the tobacco Master Settlement Agreement (MSA). Generally, press releases with information about the MSA include information and statistics regarding the retail tobacco enforcement program.

## **Community Mobilization**

Prevention Coalitions are becoming more involved with Synar as many now send thank you letters to all Synar compliant businesses in the areas they serve. Additionally, in efforts to increase community awareness and solicit support for the Synar program several Coalitions send brochures to tobacco retailers describing many negative aspects of selling tobacco to minors and citing research findings linked to tobacco sales to youth.

## SYNAR SURVEY METHODS AND RESULTS

*The following questions pertain to the survey methodology and results of the Synar survey used by the State to meet the requirements of the Synar Regulation in FFY 2004. (See 42 U.S.C. 300x-26 and 45 C.F.R. 96.130)*

**6. Has the sampling methodology changed from the previous year?**

☒ Yes ☐ No

*The State is required to have an approved up-to-date description of the Synar sampling methodology on file with CSAP. Please submit a copy of your Synar Survey Sampling Methodology (Appendix B). If the sampling methodology changed from the previous reporting year, these changes must be reflected in the methodology submitted.*

**7. Please answer the following questions regarding the State's annual random, unannounced inspections of tobacco outlets. (See 452 C.F.R. 96.130(d)(2))**

**a. Did the State use the optional Synar Survey Estimation System (SSES) to analyze the Synar survey data?**

☒ Yes ☐ No

*If Yes, attach SSES summary tables 1, 2, 3 and 4 and go to Question 8. If No, continue to Question 7b.*

SSES used (see Appendix A) – Go to Question 8

**b. Report the weighted and unweighted Retailer Violation Rate (RVR) estimates, and the standard error.**

Unweighted RVR \_\_\_\_\_

Weighted RVR \_\_\_\_\_

Standard error (s.e.) of the (weighted) RVR \_\_\_\_\_

**Fill in the blanks to calculate the right limit of the right-sided 95% confidence interval.**

\_\_\_\_\_ + (1.645 x \_\_\_\_\_) = \_\_\_\_\_  
**RVR Estimate                      Plus (1.645 times                      Standard Error ) equals                      Right Limit**

**c. Fill out Form 1 in Appendix A (Forms). (Required regardless of the sample design)**

**d. How were the (weighted) RVR estimate and its standard error obtained?**

*(Check the one that applies)*

☐ Form 2 (Optional) in Appendix A (Forms) (Attach completed Form 2)

☐ Other (Please specify. Provide formulas and calculations or attach and explain the program code and output with description of all variable names)

- e. **If stratification was used, did any strata in the sample contain only one outlet or cluster this year?**

☐ Yes ☐ No ☐ No stratification

*If Yes, explain how this situation was dealt with in variance estimation.*

- f. **Was a cluster sample design used?**

☐ Yes ☐ No

*If No, go to Question 7g.*

*If Yes, fill out and attach Form 3 in Appendix A (Forms), and answer the following question:*

**Were any certainty primary sampling units selected this year?**

☐ Yes ☐ No

*If Yes, explain how the certainty clusters were dealt with in the variance estimation.*

- g. **Report the following outlet sample sizes for the Synar survey.**

	Sample Size
Effective sample size (sample size needed to meet the SAMSHA precision requirement assuming simple random sampling)	
Target sample size (the product of the effective sample size and the design effect)	
Original sample size (inflated sample size of the target sample to counter the sample attrition due to ineligibility and non-completion)	
Eligible sample size (number of outlets found to be eligible in the sample)	
Final sample size (number of eligible outlets in the sample for which an inspection was completed)	

- h. **Fill out Form 4 in Appendix A (Forms).**

8. **Did the State's Synar survey use a list frame?**

☒ Yes ☐ No

*If Yes, answer the following questions about its coverage:*

- a. **The calendar year of the latest frame coverage study:** 2004

- b. **Percent coverage from the latest frame coverage study:** 95



- c. Was a new study conducted in this reporting period?: ☒ Yes ☐ No

*If Yes, please complete Appendix D (List Sampling Frame Coverage Study) and submit it with the Annual Synar Report.*

- d. The calendar year of the next coverage study planned: 2005

9. Has the Synar survey inspection protocol changed from the previous year?

☐ Yes ☒ No

*The State is required to have an approved up-to-date description of the Synar inspection protocol on file with CSAP. Please submit a copy of your Synar Survey Inspection Protocol (Appendix C). If the inspection protocol changed from the previous year, these changes must be reflected in the protocol submitted.*

- a. Provide the inspection period: From: 10/01/03 To: 06/15/04  
MM/DD/YY MM/DD/YY

- b. Provide the number of youth inspectors used in the current inspection year: 9

- c. Fill out and attach Form 5 in Appendix A (Forms). (Not required if the State used the Synar Survey Estimation System (SSES) to analyze the Synar survey data)

SSES used (see Appendix A) – Go to Section II

## SECTION II: FFY 2005 (Intended Use)

***Public law 42 U.S.C. 300x-26 of the Public Health Service Act and 45 C.F.R. 96.130 (e) (4,5) require that the States provide information on future plans to ensure compliance with the Synar requirements to reduce youth tobacco access.***

**1. In the upcoming year, does the State anticipate any changes in the:**

Synar sampling methodology ☐ Yes ☒ No  
Synar inspection protocol ☐ Yes ☒ No

*If changes are made in either the Synar sampling methodology or the Synar inspection protocol, the State is required to obtain approval from CSAP prior to implementation of the change and file an updated Synar Survey Sampling Methodology (Appendix B) or an updated Synar Survey Inspection Protocol (Appendix C), as appropriate.*

**2. Please describe the State's plans to maintain and/or reduce the target rate for FFY 2006. Include a brief description of plans for law enforcement efforts to enforce youth tobacco access laws, activities that support law enforcement efforts to enforce youth tobacco access laws, and any anticipated changes in youth tobacco access legislation or regulation in the State.**

Software was purchased from infoUSA, Inc. to assist the Attorney General in identifying businesses that may have cigarette vending machines or that sell tobacco products as a sideline, such as bowling centers and golf courses. Businesses from that list will be identified and additional copies of the new law banning cigarette vending machines will be distributed. Follow up observations will be conducted by investigators to assure that all cigarette vending machines are placed in adults only areas. The Attorney General continues to review internal procedures and practices to strengthen the compliance check program.

The Attorney General is considering introducing a bill in the next legislative session to make it a misdemeanor to place a cigarette vending machine where it is currently prohibited by law. At this time, the law is unclear as to the penalty.

**3. Describe any challenges the State faces in complying with the Synar regulation. (Check all that apply)**

- ☐ Limited resources for law enforcement of youth access laws
- ☐ Limited resources for activities to support enforcement and compliance with youth tobacco access laws
- ☐ Limitations in the State youth tobacco access laws
- ☐ Limited public support for enforcement of youth tobacco access laws
- ☐ Limitations on completeness/accuracy of list of tobacco outlets
- ☐ Limited expertise in survey methodology
- ☐ Laws/regulations limiting the use of minors in tobacco inspections
- ☐ Difficulties recruiting youth inspectors

- ☒ Geographic, demographic, and logistical considerations in conducting inspections
- ☐ Cultural factors (e.g., language barriers, young people purchasing for their elders)
- ☐ Issues regarding sources of tobacco under tribal jurisdiction
- ☐ Other change(s) (*please describe*): \_\_\_\_\_

*Briefly describe all checked activities:*

Nevada is geographically a large state which is sparsely populated outside of its main metropolitan centers in the north and south. As such, costs per inspection due to travel are relatively high, particularly in outlying areas. Weather and out of state travel pose additional management concerns in trying to get to those outlying areas as well. However, the logistical considerations faced in completing the Synar checks are no different than those typical to many other State run programs.

## APPENDIX A: FORMS (Synar Survey Estimation System)

**SSES Table 1 (Synar Survey Estimates and Sample Sizes)**

**CSAP-SYNAR REPORT**

State	Nevada
Federal Fiscal Year (FFY)	2005
Date	11/5/2004 9:39
Data	SSES Export.XLS
Analysis Option	Stratified SRS with FPC

**Estimates**

Unweighted Retailer Violation Rate	15.3%
Weighted Retailer Violation Rate	15.3%
Standard Error	1.5%
Is SAMHSA Precision Requirement met?	YES
Right-sided 95% Confidence Interval	[0.0%, 17.8%]
Two-sided 95% Confidence Interval	[12.3%, 18.2%]
Design Effect	1.0
Accuracy Rate (unweighted)	95.3%
Accuracy Rate (weighted)	95.3%
Completion Rate (unweighted)	99.1%

**Sample Size for Current Year**

Effective Sample Size	351
Target (Minimum) Sample Size	451
Original Sample Size	451
Eligible Sample Size	430
Final Sample Size	426
Overall Sampling Rate	24.1%

**SSES Table 2 (Synar Survey Results by Stratum and by OTC/VM)**

STATE: Nevada  
FFY: 2005

Samp. Stratum	Var. Stratum	Outlet Frame Size	Estimated Outlet Population Size	Number of PSU Clusters Created	Number of PSU Clusters in Sample	Outlet Sample Size	Number of Eligible Outlets in Sample	Number of Sample Outlets Inspected	Number of Sample Outlets in Violation	Retailer Violation Rate(%)	Standard Error(%)
<b>All Outlets</b>											
1	1	1,855	1,769	N/A	N/A	451	430	426	65	15.3%	
Total		1,855	1,769			451	430	426	65	15.3%	1.5%
<b>Over the Counter Outlets</b>											
1	1	1,855	1,769	N/A	N/A	451	430	426	65	15.3%	
Total		1,855	1,769			451	430	426	65	15.3%	1.5%
<b>Vending Machines</b>											
1	1	0	0	N/A	N/A	0	0	0	0	0.0%	
Total		0	0			0	0	0	0	0.0%	0.0%

**SSES Table 3 (Synar Survey Sample Tally Summary)**

STATE: Nevada  
 FFY: 2005

Disposition Code	Description	Count	Subtotal
EC	Eligible and inspection complete outlet	426	
Total (Eligible Completes)			426
N1	In operation but closed at time of visit	0	
N2	Unsafe to access	3	
N3	Presence of police	0	
N4	Youth inspector knows salesperson	0	
N5	Moved to new location but not inspected	0	
N6	Drive thru only/youth inspector has no drivers license	0	
N7	Tobacco out of stock	0	
N8	Run out of time	0	
N9	Other noncompletion (see below)	1	
Total (Eligible Noncompletes)			4
I1	Out of Business	9	
I2	Does not sell tobacco products	6	
I3	Inaccessible by youth	2	
I4	Private club or private residence	0	
I5	Temporary closure	4	
I6	Unlocatable	0	
I7	Wholesale only/Carton sale only	0	
I8	Vending machine broken	0	
I9	Duplicate	0	
I10	Other ineligibility	0	
Total (Ineligibles)			21
Grand Total			451

**Give reasons and counts for other noncompletion:**

Reason	Count
Remote location - not visited prior to 6/15/04	1

**SSES Table 4 (Synar Survey Inspection Results by Youth Inspector Characteristics)**

STATE: Nevada  
 FFY: 2005

**Frequency Distribution**

Gender	Age	Number of Inspectors*	Attempted Buys	Successful Buys
Male	14	0	0	0
	15	2	42	1
	16	2	37	7
	17	1	8	1
	18	0	0	0
	Subtotal	5	87	9
Female	14	0	0	0
	15	0	0	0
	16	3	318	51
	17	2	21	5
	18	0	0	0
	Subtotal	5	339	56
Other		0	0	0
Grand Total		10	426	65

**Buy Rate in Percent by Age and Gender**

Age	Male	Female	Total
14	0.0%	0.0%	0.0%
15	2.4%	0.0%	2.4%
16	18.9%	16.0%	16.3%
17	12.5%	23.8%	20.7%
18	0.0%	0.0%	0.0%
Other			0.0%
Total	10.3%	16.5%	15.3%

\* Only eight youth inspectors are employed at one time. Due to age changes during the period, 9 youth inspectors were used as one inspector turned 18 and was replaced. Additionally, one of the youth inspectors turned 17 and is therefore counted in both the 16 and 17 age groups.

## APPENDIX B

STATE: Nevada

FFY: 2005

### SYNAR SURVEY SAMPLING METHODOLOGY

#### 1. What type of sampling frame is used?

- ☒ List frame (Go to Question 2)  
☐ Area frame (Go to Question 2)  
☐ List-assisted area frame (Go to Question 2)

#### 2. List all sources of the list frame. Indicate the type of source from the list below. Provide a brief description of the frame source. Explain how the lists are updated (method), including how new outlets are identified and added to the frame. In addition, explain how often the lists are updated (cycle).

Use the corresponding number to indicate Type of Source in the table below:

- |   |  |
|---|--|
| 1 – Statewide commercial business list    | 4 – Statewide retail license/permit list |
| 2 – Local commercial business list        | 5 – Statewide liquor license/permit list |
| 3 – Statewide tobacco license/permit list | 6 – Other                                |

Name of Frame Source	Type of Source	Description	Updating Method and Cycle
Synar Database	6	MS Access Relational Database: Every outlet selling tobacco products and accessible to youth throughout the state are identified during compliance inspections.	Every outlet selling tobacco products is inspected at least twice per year for compliance. As inspectors conduct their inspections, they identify and inspect new establishments. This information is continuously fed into the frame database for updates.

#### 3. If an area frame is used, describe how area sampling units are defined and formed.

- a. Is any area left out in the formation of the area frame? ☐ Yes ☐ No

If Yes, what percentage of the State's population is not covered by the area frame?

\_\_\_\_\_ %



**4. Federal regulation requires that vending machines be inspected as part of the Synar survey. Are vending machines included in the Synar survey?**

☐ Yes ☒ No

*If No, please indicate the reason they are not included in the Synar survey.*

- ☐ State law bans vending machines  
☒ State law bans vending machines from locations accessible to youth  
☐ State has SAMSHA approval to exempt vending machines from the survey  
☒ Other (*please describe*): State law banning vending machines from locations where youth under 21 can loiter was effective October, 2003.

**5. Which category below best describes the sample design? (Check only one)**

☐ Census (*STOP HERE: Appendix B is complete*)

**Unstratified State-wide sample:**

- ☒ Simple random sample (*go to question 9*)  
☐ Systematic random sample (*go to question 6*)  
☐ Single-stage cluster sample (*go to question 8*)  
☐ Multi-stage cluster sample (*go to question 8*)

**Stratified sample:**

- ☐ Simple random sample (*go to question 7*)  
☐ Systematic random sample (*go to question 7*)  
☐ Single-stage cluster sample (*go to question 7*)  
☐ Multi-stage cluster sample (*go to question 7*)

☐ Other (*please describe*):

**6. Describe the systematic sampling methods. (After completing Question 6, go to Question 9)**

**7. Provide the following information about stratification**

**a. Provide a full description of the strata that are created.**

**b. Is clustering used within the stratified sample?**

- ☐ Yes (*go to question 8*)  
☐ No (*go to question 9*)

**8. Provide the following information about clustering**

- a. **Provide a full description of how clusters are formed.**
- b. **Specify the sampling method (simple random, systematic, or probability proportional to size sampling) for each stage of sampling and describe how the method(s) is (are) implemented.**

**9. Provide the formulae for determining the effective, target, and original sample sizes.**

Shown below is the two-sided 95% confidence interval that was used to calculate the minimum sample size:

$$p \pm 1.96 \sqrt{1 - \frac{n}{N}} \sqrt{\frac{\hat{p}(1-\hat{p})}{n}}$$

More specifically, to achieve a standard error of less than 3% the above formula is described as:

$$0.03 \geq 1.96 \sqrt{1 - \frac{n}{N}} \sqrt{\frac{\hat{p}(1-\hat{p})}{n}}$$

To ensure the study meets SAMHSA's precision requirement, a safety margin of 100 additional establishments were selected in the random sample.

The SSES Sample Size Calculator will be used in subsequent years to determine minimum adequate sample size. For the purpose of verifying the accuracy of the above formulas for the 2004 sample, the minimum Sample size was recalculated using the SSES Sample Size Calculator. The results were essentially the same as the recalculation resulted in an effective sample size of 350 and a target sample size of 455 (based on a 28.5% safety margin representing the 100 extra outlets).

When using SSES sample size calculator in the future, the below formula will be used for calculating a sample size using a two tail test:

Effective sample size:

$$n_e = \frac{1}{\left( \frac{(0.0153)^2}{P(1-P)} + \frac{1}{N} \right)}$$

where  $P$  is the violation rate,

0.0153 is the standard error of the estimate for 3 % margin of error for two-sided confidence interval, and

$N$  is the total number of outlets in the sampling frame.

The target sample size ( $n_t$ ) is the same as the effective sample size for simple random sampling.

The original sample size is determined by:

$$n_o = (1 + s) \frac{n_t}{r_l r_c},$$

where  $s$  is a safety margin,  $r_l$  is the expected eligibility rate, and  $r_c$  is the expected completion rate.

## APPENDIX C

STATE: Nevada

FFY: 2005

### SYNAR SURVEY INSPECTION PROTOCOL

***Note: Attach a copy of the inspection form and protocol used to record the inspection result. (pg. 23)***

**1. How does the State Synar survey protocol address the following?**

**a. Consumated buy attempts?**

- |  |  |
|--|--|
| <input checked="" type="checkbox"/> Required                     | <input type="checkbox"/> Not Permitted             |
| <input type="checkbox"/> Permitted under specified circumstances | <input type="checkbox"/> Not Specified in Protocol |

**b. Youth inspectors to carry ID?**

- |  |  |
|--|--|
| <input checked="" type="checkbox"/> Required                     | <input type="checkbox"/> Not Permitted             |
| <input type="checkbox"/> Permitted under specified circumstances | <input type="checkbox"/> Not Specified in Protocol |

**c. Adult inspectors to enter the outlet?**

- |   |  |
|---|--|
| <input type="checkbox"/> Required   | <input type="checkbox"/> Not Permitted             |
| <input checked="" type="checkbox"/> Permitted under specified circumstances | <input type="checkbox"/> Not Specified in Protocol |

**d. Youth inspectors to be compensated?**

- |  |  |
|--|--|
| <input checked="" type="checkbox"/> Required                     | <input type="checkbox"/> Not Permitted             |
| <input type="checkbox"/> Permitted under specified circumstances | <input type="checkbox"/> Not Specified in Protocol |

**2. Identify the agency(s) or entity(s) that actually conduct the random, unannounced Synar inspections of tobacco outlets. (Check all that apply)**

- ☒ Law enforcement agency(s)  
☐ State or local government agency(s) other than law enforcement  
☐ Private contractor(s)  
☐ Other

List the agency name(s): Office of the Attorney General, Nevada Department of Justice

**3. Are Synar inspections combined with law enforcement efforts (i.e., do law enforcement issue warnings or citations to retailers found in violation of the law at the time of the inspection)?**

- ☒ Always    ☐ Usually    ☐ Sometimes    ☐ Rarely    ☐ Never

**4. Describe the methods used to recruit, select, and train youth inspectors and adult supervisors.**

The Attorney General employs eight youth inspectors (four in southern Nevada and four in northern Nevada). They are recruited through various means including high school counselors, law enforcement scouting groups, and churches. Only eight may be employed at one time. For the compliance checks completed for Nevada's 2004 Synar sample, a total of nine (9) youth inspectors were used because 1 inspector turned 18 and was replaced.

The Attorney General employs two full time investigators who supervise these youth in conducting the inspections. The investigators are Nevada POST certified law enforcement officers. The Attorney General's Office advertises in newspapers with general circulation and receives applications from interested persons. The interviews are conducted by the Attorney General's Investigations Division's Chief and the Chief Tobacco Counsel for the Attorney General's Office. Complete background checks are conducted for those offered the position.

Prospective teens are first told how compliance checks are conducted and then questioned to assure that they understand the protocol. The youth then accompany a current youth employee for up to four hours. During these four hours, the trainee and an experienced youth go into outlets accompanied by an adult investigator. The trainee observes first hand the purchase attempts made by the experienced teen.

**5. Are there specific legal or procedural requirements instituted by the State to address the issue of youth inspectors' immunity when conducting inspections?**

**a. Legal** ☐ Yes ☒ No (If Yes, please describe):

No grant of immunity need be obtained for the children to participate in tobacco purchases because it is not against the state law for any child to possess tobacco.

**b. Procedural** ☐ Yes ☒ No (If Yes, please describe):

**6. Are there specific legal or procedural requirements instituted by the State to address the issue of the safety of youth inspectors during all aspects of the Synar inspection process?**

**a. Legal** ☐ Yes ☒ No (If Yes, please describe):

**b. Procedural** ☒ Yes ☐ No (If Yes, please describe):

When possible, investigators are required to accompany the youths into the stores where tobacco is sold. In addition, investigators are directed not to conduct an inspection if they observe any law enforcement activity or any activity that may be a threat to the safety of the youth (e.g. illegal drug purchases). Furthermore, the WE CARD congratulatory card and lapel pin are not distributed if there is any possible threat to the safety of the underage youth.

**7. Are there any other legal or procedural requirements the State has regarding how inspections are to be conducted (e.g., age of youth inspector, time of inspections, training that must occur)?**

**a. Legal** ☐ Yes ☒ No (If Yes, please describe):

**b. Procedural** ☒ Yes ☐ No (If Yes, please describe):

Fifteen, sixteen, and seventeen year old minors are used to conduct compliance checks; minors younger than fourteen and older than seventeen are not used. Fifteen year old minors may not work outside the hours of 7:00 a.m. to 7:00 p.m.

### Office of the Attorney General Tobacco Compliance Check

Retailer Information

Unique ID:  
 Prior Inspection:  
 Prior Inspection Results  
 Status:

Please check the appropriate box for the business classification:				
<input type="checkbox"/> Gen Merch	<input type="checkbox"/> SM/Grocery	<input type="checkbox"/> Conven	<input type="checkbox"/> Conv/Gas	<input type="checkbox"/> Gas
<input type="checkbox"/> Drug	<input type="checkbox"/> Tobacco	<input type="checkbox"/> Other		
<input type="checkbox"/> Does Not Sell Tobacco <input type="checkbox"/> Business Closed <input type="checkbox"/> Out of Business <input type="checkbox"/> Unsatisfactory Conditions <input type="checkbox"/> Not Allowed <input type="checkbox"/> Vending Machine <input type="checkbox"/> Vending Machine Removed				
If the retailer information is not correct, please check the appropriate box(es):				
<input type="checkbox"/> Business Name Change		<input type="checkbox"/> Owner Change		<input type="checkbox"/> Address Change
Date of Check:	Time of Check (Military):		Minor ID	Minor's Initials:
Result of minor's attempt to purchase tobacco product:				
ID Requested: <input type="checkbox"/> Yes <input type="checkbox"/> No	Age Asked: <input type="checkbox"/> Yes <input type="checkbox"/> No	Sale Completed: <input type="checkbox"/> Yes <input type="checkbox"/> No	Minor's Age:	Minor's DOB:
Retail Clerk: <input type="checkbox"/> Male <input type="checkbox"/> Female	Retail Clerk's Name:		Retail Clerk's Position:	Register Location
Officer witnessed transaction? <input type="checkbox"/> Yes <input type="checkbox"/> No			Attempted purchase item <input type="checkbox"/> Cigarettes <input type="checkbox"/> Smokeless Tobacco <input type="checkbox"/> Other	
Officer's signature _____			Officer's name (please print)	
Additional Comments				

**If sale completed, follow Evidence Collection Procedures.**

## APPENDIX D

STATE: Nevada

FFY: 2005

### **List Sampling Frame Coverage Study** *(LIST FRAME ONLY)*

1. **Calendar year of the coverage study:** 2004

2. **Percent coverage found:** 95 %

*(Provide calculation of the percent coverage)*

1855 (at sample pull) / 1953 (as of 6/15/04 after database updates) = 95%

3. **Provide a description of the coverage study methods and results.**

Every outlet selling tobacco products and accessible to youth is inspected two to three times per year. As inspectors travel through town conducting inspections, they are diligent to identify and inspect new establishments and record pertinent facility data to be added to the Synar database. Inspectors also record outlets that are in the sampling frame and do not sell tobacco products; the Synar database is then updated accordingly.